IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 345 OF 2002
IN
SECOND APPEAL NO. 248 OF 2002

The State of Maharashtra & ors. ... Applicants.
Versus.
Jainarayan Tameshwar Tiwari & ors. ... Respondents.

Smt.G.P.Mulekar for the Applicants.

Shri Ghaisas for the Respondent No.1.

CORAM : ABHAY S. OKA, J.

DATED : 4th February, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties. Shri Ghaisas appearing for the Respondent Nos.1/1 states that his client has been dispossessed inspite of decree of injunction granted by the Appellate Court and appropriate proceedings for taking action against the Appellant under the Contempt of Court Act is filed in the Appellate Court and is pending. The first prayer in this application is for stay of execution of the decree passed by the Appellate Court and the second prayer is for restraining the Respondent No.1/1 from creating any third party interests. In view of what is stated by the learned Counsel appearing for the Respondents Nos.1/1, now there is no question of granting any stay. Hence the Civil Application is rejected with no order as to costs.

2. It is made clear that if any contempt petition is filed by the Respondents Nos.1/1 in the Court below, the same is not stayed and the concerned Court will proceed with the hearing of the said Application/Petition.

Judge.

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